

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KRISTINE O'GRADY,

Plaintiff,

v.

TACOMA GENERAL HOSPITAL,
WASHINGTON CORRECTION
CENTER FOR WOMEN, JOHN/JANE
DOES,

Defendants.

CASE NO. C14-5128 RJB

ORDER DECLINING TO ADOPT
REPORT AND
RECOMMENDATION, GRANTING
PLAINTIFF A CONTINUANCE,
AND RE-REFERRING MATTER TO
THE MAGISTRATE JUDGE

This matter comes before the Court on the Report and Recommendation of Magistrate Judge Karen L. Strombom. The Magistrate Judge recommends that this civil rights matter be dismissed without prejudice for failure to state a claim. Dkt. 10.

Pro se Plaintiff filled a proposed civil rights complaint on February 13, 2014. Dkt. 1. Plaintiff was granted leave to proceed *in forma pauperis* on February 24, 2014. Dkt. 4. On February 26, 2014, the Magistrate Judge notified Plaintiff of the deficiencies in her Complaint and ordered her to show cause no later than March 28, 2014, by amending her complaint to cure

1 the deficiencies or the matter would be dismissed for failure to state a claim. Dkt. 6. Plaintiff
2 failed to timely comply with the Order to Show Cause and the Magistrate entered the afore
3 mentioned Report and Recommendation.

4 Subsequently, on April 16, 2014, Plaintiff filed a letter/motion for a continuance, stating
5 that she was “waiting for the medical records from Washington Corrections Center for Women
6 and medical records from Tacoma General.” Dkt 11. On the same date Plaintiff filed an
7 Amended Complaint. Dkt. 12.

8 Initially, it is noted that the Amended Complaint fails to cure the deficiencies set forth in
9 the Order to Show Cause. Nonetheless, it appears from Plaintiff’s letter/motion that she has not
10 yet received the medical records that may enable her to cure the deficiencies in her Complaint.
11 The Court finds it appropriate to grant the Plaintiff a short continuance in order that she may
12 review her medical records and file an amended complaint, if appropriate, that cures the
13 deficiencies set forth in the Order to Show Cause. The matter will be re-referred to the
14 Magistrate Judge for further consideration of this matter.

15 Accordingly, it is hereby **ORDERED:**

- 16 1. The Court declines to adopt the Report and Recommendation.
- 17 2. Plaintiff is granted an extension of time until June 20, 2014, in which to file an
18 Amended Complaint curing the deficiencies set forth in Dkt. 6.
- 19 3. The matter is re-referred the Magistrate Judge.
- 20 4. In the event Plaintiff fails to cure the deficiencies in the Complaint or otherwise fails
21 to comply with this Order, the Magistrate Judge may recommend dismissal of this
22 matter without further notice to Plaintiff.
- 23
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1 5. The Clerk is directed to send uncertified copies of this Order to all counsel of record
2 and to any party appearing *pro se* at said party's last known address.

3 Dated this 28th day of April, 2014.

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5 ROBERT J. BRYAN
6 United States District Judge
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